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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

CURT S. STEINDLER (CA Bar #143381)
LAW OFFICE OF CURT S. STEINDLER
11901 Santa Monica Blvd.
Suite 616
Los Angeles, California 90025-2767
310-213-5420
email: lawrax@lawrax.com
Attorney for plaintiff, BARRY ROSEN

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

BARRY ROSEN,)	Case No. CV12-10413 PA (EX)
Plaintiff,)	COMPLAINT FOR INFRINGEMENT
vs.)	OF COPYRIGHT (17 U.S.C. §
AMAZON.COM, INC., and DOES)	501)
1 TO 10,)	
Defendants.)	Demand for Jury Trial

Plaintiff BARRY ROSEN ("Plaintiff") alleges:

Jurisdiction and Venue

1. **Subject Matter Jurisdiction.** This action arises under the Copyright Act, 17 U.S.C. § 101, et seq. This Court has original subject matter jurisdiction over all claims pursuant to 28 U.S.C. § 1331 and § 1338(a).

2. **Venue.** Venue is proper in this Court pursuant to 28 U.S.C. § 1391 (b), (c), and § 1400(a).

3. **Personal Jurisdiction.** Personal jurisdiction is proper over the Defendants because they either reside in California or the wrongful activity at issue concerns Defendants' operation of commercial businesses

1 through which Defendants knowingly transact business
2 and enter into contracts with individuals in
3 California, including within the County of Los Angeles.
4 Each of the Defendants, therefore, has purposefully
5 availed itself of the privilege of doing business in
6 California, and material elements of Defendants'
7 wrongdoing occurred in this State, *i.e.*, Defendants
8 caused the infringing images to be distributed to and
9 displayed in Los Angeles County to thousands of
10 persons.

11 4. Plaintiff does not presently know the true
12 names and capacities of the defendants named as Does 1
13 through 10 and therefore sues such defendants by these
14 fictitious names. Plaintiff believes that the Doe
15 Defendants are persons or entities who are involved in
16 the acts set forth below, either as independent
17 contractors, agents, or employees of the known
18 defendants, or through entering into a conspiracy and
19 agreement with the known Defendants to perform these
20 acts, for financial gain and profit, in violation of
21 Plaintiff's rights. Plaintiff will request leave of
22 Court to amend this Complaint to set forth their true
23 names, identities and capacities when Plaintiff
24 ascertains them. The Doe defendants and the known
25 Defendants are referred to hereinafter collectively as
26 "Defendants."

27 5. Defendants have been or are the principals,
28 officers, directors, agents, employees,

representatives, and/or co-conspirators of each of the other defendants, and in such capacity or capacities participated in the acts or conduct alleged herein and incurred liability therefore. At some unknown time, the Defendants, or some of them, entered into a conspiracy with other of the Defendants to commit the wrongful acts described herein. The actions described below were taken in furtherance of such conspiracy. Defendants aided and abetted each other in the wrongful acts alleged herein. Each of the Defendants acted for personal gain or in furtherance of their own financial advantage in doing the acts alleged below.

**First Claim for Relief for Copyright Infringement
(Against All Defendants)**

6. Plaintiff realleges paragraph 1 through 5.

7. Plaintiff is a photographer. Plaintiff created the following photographs:

Date of Creation	Description Of Photograph	Registration Number	Date of Registration
2000	Erika Eleniak (unpublished)	VAu692-231	3/24/2006
1996	Charlotte Lewis (unpublished)	VAu 1-027-889	5/14/2010
1997	Ali Landry Ali Landry-7	VAu660-263	2/28/2005
1997	Ali Landry Ali Landry-8	VAu660-263	2/28/2005

Each of the Photographs consists of material original with Plaintiff and each is copyrightable subject matter. Plaintiff is the owner of all right, title, and

1 interest in and to each of the Photographs. Plaintiff
2 has registered the copyrights for the Photographs and
3 has been issued Certificates of Registration.

4 8. Under the Copyright Act of 1976, 17 U.S.C.
5 §101, *et seq.* (the "Copyright Act"), Plaintiff has the
6 distinct, severable, and exclusive rights, *inter alia*,
7 to reproduce, distribute and publicly display the
8 Photographs. (17 U.S.C. §§106(1), (3), and (5).)

9 9. Defendant Amazon.com, Inc. ("Amazon") is a
10 company that operates an ecommerce "marketplace"
11 website, where various infringing goods are offered for
12 sale/sold including items by sellers using the id's
13 Arricks Collectibles, JG Autographs and magsnmoreamaz.

14 10. Within the last three years, Plaintiff
15 discovered that Defendants, without Plaintiff's
16 permission, consent or authority, (1) made or caused to
17 be made unauthorized copies of the Photographs, (2)
18 distributed, made available for distribution, and/or
19 facilitated the unauthorized distribution of
20 unauthorized copies of the Photographs, and/or (3)
21 publicly displayed, made available for, and/or
22 facilitated, the unauthorized public display of the
23 Photographs, on the website amazon.com and images-
24 amazon.com ("Amazon Websites").

25 11. Such conduct constitutes direct infringement of
26 Plaintiff's copyrights and exclusive rights under
27 copyright in the Photographs in violation of the
28 Copyright Act, 17 U.S.C. §106 and §501.

1 12. Defendants have engaged and continue to engage
2 in the business of inducing, causing, and/or materially
3 contributing to the unauthorized reproduction, public
4 display, and/or distribution of copies of the
5 Photographs. Plaintiff gave notice to Defendant Amazon
6 of the infringing activity that was occurring on the
7 Amazon Websites, but Amazon did not thereafter take
8 simple measures available to it to prevent the
9 infringing activity. Defendants enabled, induced,
10 facilitated, and/or materially contributed to each act
11 of infringement by infringing users. Defendants'
12 conduct constitutes contributory infringement of
13 Plaintiff's copyrights and exclusive rights under
14 copyright in the Photographs in violation of the
15 Copyright Act, 17 U.S.C. §106 and §501.

16 13. Defendants have and have had the right and
17 ability to control the infringing conduct alleged
18 above. Defendants have derived, or have continuously
19 attempted or intended to derive, a direct financial
20 benefit from the infringing use of the Photographs. As
21 a direct and proximate result of Defendants' failure
22 and refusal to control and prevent the infringing
23 activity, Defendants have infringed Plaintiffs'
24 copyrights in the Photographs as set forth above.
25 Defendants' conduct constitutes vicarious infringement
26 of Plaintiff's copyrights and exclusive rights under
27 copyright in the Photographs in violation of the
28 Copyright Act, 17 U.S.C. §106 and §501.

1 14. Defendants' acts of infringement were ongoing,
2 willful, intentional, and purposeful, and/or in
3 reckless disregard of and with indifference to
4 Plaintiff's rights because Defendants knew or
5 recklessly failed to know that they did not have the
6 right to use the Photographs in the manner in which
7 they used the Photographs.

8 15. As a direct and proximate result Defendants'
9 infringements, Plaintiff was damaged, and Plaintiff is
10 entitled to his actual damages and Defendants' profits
11 pursuant to 17 U.S.C. §504(b).

12 16. Alternatively, at Plaintiff's election,
13 Plaintiff is entitled to the maximum statutory damages
14 pursuant to 17 U.S.C. §504(c) with respect to each work
15 infringed or such other amounts as may be proper under
16 17 U.S.C. §504(c).

17 17. Plaintiff is entitled to attorneys' fees and
18 costs pursuant to 17 U.S.C. §505.

19
20 WHEREFORE, Plaintiff prays for judgment against
21 Defendants and each of them as follows:

22 1. For Plaintiff's actual damages.

23 2. For a full accounting under supervision of this
24 Court of all profits, income, receipts, or other
25 benefits derived by Defendants as a result of their
26 willful and unlawful conduct.

27 3. For statutory damages under the Copyright Act.

28 4. For prejudgment interest.

1 5. For preliminary and permanent injunctive relief
2 from ongoing infringing activities, including, but not
3 limited to:

4 a. enjoining Defendants, and all persons
5 acting in concert or participation with them, from:
6 directly or indirectly infringing in any manner, or
7 causing, contributing to, enabling, facilitating,
8 or participating in the infringement, of
9 Plaintiff's copyrights (whether now in existence or
10 hereafter created) or exclusive rights under
11 copyright, and

12 b. the seizure of all property made in, or
13 used to assist in the, violation of Plaintiff's
14 exclusive copyrights pursuant to 17 U.S.C. §503,
15 including, but not limited to, all copies of the
16 Photographs, all domains and all servers and other
17 computer equipment used to publish, broadcast or
18 archive the Photographs.

19 6. For attorneys' fees and costs.

20 7. For such other and further relief as this Court
21 deems just and appropriate.

22 Dated: December 1, 2012 LAW OFFICE OF CURT S STEINDLER

23
24 

25
26 Curt S. Steindler
27 Attorney for plaintiff
28 Barry Rosen

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this case.

Dated: December 1, 2012 LAW OFFICE OF CURT S STEINDLER



Curt S. Steindler
Attorney for plaintiff
Barry Rosen

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV12- 10413 PA (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:
CURT S. STEINDLER (CA Bar #143381)
LAW OFFICE OF CURT S. STEINDLER
11901 Santa Monica Blvd.
Suite 616
Los Angeles, California 90025-2767

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BARRY ROSEN

CASE NUMBER

CV12-10413 PA(Ex)

PLAINTIFF(S)

AMAZON.COM, INC., and DOES 1 TO 10

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Curt S. Steindler, whose address is 11901 Santa Monica Blvd., Suite 616, Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

DEC - 5 2012

Dated: _____

JULIE PRADO

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)
BARRY ROSENDEFENDANTS
AMAZON.COM, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

CURT S. STEINDLER (SBN 143381) (310) 213-5420
11901 SANTA MONICA BLVD., SUITE 616
LOS ANGELES, CALIFORNIA 90025-2767

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$600,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

17 U.S.C. 501 - Copyright infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CODE FRAGMENTS	PERSONAL INJURY	PERSONAL PROPERTY	RELATIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ft)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

CV12-10413

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes
If yes, list case number(s): 12-cv-02376-ABC-FMO

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☒
- A. Arise from the same or closely related transactions, happenings, or events; or
-
- ☒
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
-
- ☐
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
-
- ☒
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
-
- ☐
- Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
-
- ☐
- Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
	WASHINGTON

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
-
- Note: In land condemnation cases, use the location of the tract of land involved.

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Curt S. Steindler* Date 12/1/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
851	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(h))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DJWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))